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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,623	08/31/2001	Rami Rahim	0023-0043	8755
44987	7590	08/11/2005	EXAMINER	
HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			CHOI, WOO H	
			ART UNIT	PAPER NUMBER
			2189	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,623	RAHIM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Woo H. Choi	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-16 and 23-33 is/are allowed.
- 6) Claim(s) 17-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Seshan *et al.* (US Patent No. 6,145,027, hereinafter “Seshan”).
3. With respect to claims 17, 19 and 20, Seshan discloses a network device, comprising:
  - a plurality of memory banks configured to store data units (figure 1B, 22);
  - a plurality of request engines (see figure 1B, 105 and figure 1C, 103) configured to generate write requests, the write requests each including at least one data unit; and
  - a plurality of memory controllers (figure 1B 141, 140), each memory controller configured to:
    - receive a write request,
    - determine where to store the data unit included in the write request using an address register associated with the memory controller (figure 11), and
    - store the data unit at a location identified by the address register (col. 14, lines 25 – 28).

4. With respect to claim 18, a number of the data units comprise a data packet (col. 6, lines 64 – 67) and each of the plurality of memory controllers is further configured to: increment the address register after storing the data unit (col. 14, lines 29 – 38).

5. With respect to claim 21, the write requests do not include information identifying a particular location in one of the plurality of memory banks (the write requests do not include information identifying a particular location in one of the plurality of memory banks that is not a target of the transfer operation).

6. With respect to claim 22, the write requests include information identifying an amount by which the at least one memory controller is to increment the address register (col. 14, lines 56 – 60).

#### *Allowable Subject Matter*

7. Claims 1 – 16 and 22 – 33 are allowed.

#### *Response to Arguments*

8. Applicant's arguments, see pages 14 – 19 of remarks section of the amendment, filed June 21, 2005, with respect to rejections based on Niida reference have been fully considered and are persuasive. The rejections of claims 1, 4 – 6, 9, 12 – 15 and 25, based on Niida reference have been withdrawn.

Applicant's arguments regarding the Seshan reference has been fully considered but they are not persuasive. Applicant's only ground of traversal of claims 19 – 21 is that the Examiner has not separately rejected the independent claim 17 from which claims 19 – 21 depend. As Applicant noted, claims 19 – 21 were rejected as being anticipate by Seshan. The Examiner disagrees with Applicant's statement that “[s]ince claim 17 has not been alleged to be anticipated by Seshan, dependent claims 19 – 21 cannot be anticipated by Seshan.” Allegation of anticipation of claim 17 by Seshan is implicit, if not inherent, in the rejections of its dependent claims. A reference that anticipates a dependent claim must necessarily anticipate its parent claim. Separate statement of rejection of claim 17 based on Seshan was unnecessary in this case because the claim was already rejected with another reference.

All of the previous rejections other than the rejections of claims 17 – 22 based on the Seshan reference discussed above have been withdrawn.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Woo H. Choi whose telephone number is (571) 272-4179. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*whc*  
whc  
August 3, 2005



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